

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 285

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-406, IDAHO CODE, TO DELETE PROVISION RELATING TO MAIL REGISTRATION FORMS; AMENDING SECTION 34-407, IDAHO CODE, TO PROVIDE FOR PROOF OF IDENTITY RELATING TO PROCEDURES FOR REGISTRATION; AMENDING SECTION 34-408A, IDAHO CODE, TO PROVIDE FOR PROOF OF IDENTITY RELATING TO ELECTION DAY REGISTRATION, TO REVISE PROVISIONS RELATING TO PROOF OF RESIDENCE, TO PROVIDE FOR EXCEPTIONS AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 34-410, IDAHO CODE, RELATING TO MAIL REGISTRATION; AMENDING SECTION 34-410A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ABSENTEE REGISTRATION AND ABSENTEE VOTING FOR UNIFORMED AND OVERSEAS CITIZENS; AMENDING SECTION 34-1006, IDAHO CODE, TO PROVIDE FOR PROOF OF IDENTITY RELATING TO ABSENT ELECTORS' POLLING PLACE; AMENDING SECTION 34-1106, IDAHO CODE, TO PROVIDE THAT AN ELECTOR DESIRING TO VOTE SHALL PROVIDE PROOF OF IDENTITY, TO DEFINE "PROOF OF IDENTITY," TO PROVIDE FOR A FELONY AND TO PROVIDE FOR EXCEPTIONS; AMENDING CHAPTER 24, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-2444A, IDAHO CODE, TO PROVIDE FOR A VOTER IDENTIFICATION CARD; AND PROVIDING SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 34-406, Idaho Code, be, and the same is hereby amended to read as follows:

34-406. APPOINTMENT OF REGISTRARS. The county clerk shall provide for voter registration in the clerk's office and may appoint registrars to assist in voter registration throughout the county.

~~The county clerk shall provide all political parties within the county with a supply of the mail registration form prescribed in section 34-410, Idaho Code.~~

SECTION 2. That Section 34-407, Idaho Code, be, and the same is hereby amended to read as follows:

34-407. PROCEDURE FOR REGISTRATION. (1) Any county clerk or official registrar shall register without charge any elector who personally appears in the office of the county clerk or before the official registrar, as the case may be, and requests to be registered. As a requirement of such registration, the elector shall provide proof of identity. For purposes of this section, "proof of identity" has the same meaning and requirements as provided for in section 34-1106(1), Idaho Code.

(2) Upon receipt of a written application to the county clerk from any elector who, by reason of illness or physical incapacity is prevented from personally appearing in the office of the county clerk or before an official registrar, the county clerk or an official registrar so directed by the county clerk shall register such elector at the place of abode of the elector.

SECTION 3. That Section 34-408A, Idaho Code, be, and the same is hereby amended to read as follows:

34-408A. ELECTION DAY REGISTRATION. An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of identity and residence. An individual ~~may~~ shall prove identity for purposes of registering pursuant to this section by providing a document that satisfies the requirements provided in section 34-1106(1), Idaho Code. An individual shall prove residence for purposes of registering by:

(1) Showing a valid Idaho driver's license or Idaho voter identification card as provided for in section 49-2444A, Idaho Code, issued through the department of transportation; ~~or~~ and

(2) Showing any document which contains the elector's name and a valid address in the precinct ~~together with a picture identification card;~~ or

(3) Showing a current valid student identification card from a ~~post-secondary~~ postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct together with a picture identification card.

Election day registration provided in this section shall apply to all elections conducted under title 34, Idaho Code, and to school district and municipal elections.

An individual who is eligible to vote may also register, upon providing proof of identity and residence as provided for in this section, at the "absent electors' polling place" provided in section 34-1006, Idaho Code.

(4) If a person declines to, or is unable to, produce proof of identity or proof of residence as provided for in this section, such person may sign a statement under oath, in a form approved by the secretary of state, swearing or affirming that the person is the person he purports to be and that his residence is that which he attests to. Any person who registers pursuant to this subsection (4), shall be permitted to cast a ballot pursuant to the provisions of section 34-1106(2), Idaho Code.

SECTION 4. That Section 34-410, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 34-410A, Idaho Code, be, and the same is hereby amended to read as follows:

34-410A. ABSENTEE REGISTRATION AND ABSENTEE VOTING FOR UNIFORMED AND OVERSEAS CITIZENS. Whenever provision is made for absentee registration and voting by a statute of the United States, including the "Uniformed and Overseas Citizens Absentee Voting Act" (42 U.S.C. 1973ff.), an application for an absentee ballot made under that law may be given the same effect as an application for an absentee ballot made under chapter 10, title 34, Idaho Code. Notwithstanding any other provision of this act, this section shall include those provisions permitting absent uniformed services voters and overseas

1 voters to use absentee registration procedures and to vote by absentee ballot in general,  
 2 special, primary, and runoff elections as provided for in the "Uniformed and Overseas Citizens  
 3 Absentee Voting Act."

4 SECTION 6. That Section 34-1006, Idaho Code, be, and the same is hereby amended to  
 5 read as follows:

6 34-1006. COUNTY CLERKS SHALL PROVIDE ONE OR MORE "ABSENT  
 7 ELECTORS' ~~VOTING~~ POLLING PLACE." Each county clerk shall provide one (1) or more  
 8 "absent electors' polling place(s)" as determined necessary by each county. Each polling  
 9 place shall be provided with voting booths and other necessary supplies as provided by law.  
 10 Any elector voting in such polling place shall provide proof of identity as required in section  
 11 34-1106, Idaho Code. Electioneering is prohibited at an "absent electors' polling place" as  
 12 provided in section 18-2318, Idaho Code.

13 SECTION 7. That Section 34-1106, Idaho Code, be, and the same is hereby amended to  
 14 read as follows:

15 34-1106. SIGNING COMBINATION ELECTION RECORD AND POLL BOOK –  
 16 PROOF OF IDENTITY – DELIVERY OF BALLOT TO ELECTOR. (1) An elector desiring  
 17 to vote shall state his name and address to the judge or clerk in charge of the combination  
 18 election record and poll book- and shall provide proof of identity, whereupon the judge or  
 19 clerk shall determine whether such elector's name is in the combination election record and  
 20 poll book. For purposes of this chapter, "proof of identity" means a document that satisfies all  
 21 of the following:

22 (a) The document reflects the name of the person to whom the document was issued, and  
 23 the name substantially conforms to the name in the combination election record and poll  
 24 book;

25 (b) The document shows a photograph of the person to whom the document was issued;

26 (c) The document includes an expiration date, which is after the date of the election in  
 27 which the person is appearing to vote; and

28 (d) The document was issued by the United States, the state of Idaho or the government  
 29 of a federally recognized Indian tribe or nation.

30 (2) (a) If a person declines to, or is unable to, produce proof of identity, such person  
 31 may sign a statement under oath, in a form approved by the secretary of state, swearing or  
 32 affirming that the person is the person identified in the election record and poll book, and  
 33 shall be allowed to vote as provided in this subsection.

34 (b) False swearing or affirming under oath shall be punishable as a felony and the  
 35 penalty shall be distinctly set forth on the face of the statement.

36 (c) Any vote cast pursuant to this subsection (2) shall be deposited in an envelope  
 37 designated for such purpose and shall be stored and counted in accordance with  
 38 procedures established by the secretary of state.

39 (3) Before receiving his ballot, each elector shall sign his name in the combination  
 40 election record and poll book following his name therein.

41 (34) No person shall knowingly sign his name in the combination election record and  
 42 poll book if his residence address is not within that precinct at the time of signing.

1       (45) If the residence address of a person contained in the combination election record  
 2 and poll book is incorrectly given due to an error in preparation of the combination election  
 3 record and poll book, the judge shall ascertain the correct address and make the necessary  
 4 correction.

5       (56) The elector shall then be given the appropriate ballots which have been stamped  
 6 with the official election stamp and shall be given folding instructions for such ballots.

7       SECTION 8. That Chapter 24, Title 49, Idaho Code, be, and the same is hereby amended  
 8 by the addition thereto of a NEW SECTION, to be known and designated as Section 49-2444A,  
 9 Idaho Code, and to read as follows:

10       49-2444A. PHOTOGRAPHIC VOTER IDENTIFICATION CARD – ESTABLISHING  
 11 PROOF OF IDENTIFICATION FOR VOTER – NO FEE. (1) The department shall issue a  
 12 photographic voter identification card, without the payment of a fee or charge, to any individual  
 13 who meets the following conditions:

14       (a) The person does not have a valid Idaho driver's license, or other photographic  
 15 identification card issued by the United States, the state of Idaho or the government of  
 16 a federally recognized Indian tribe or nation; and

17       (b) The person will have attained the age of eighteen (18) years at the next general,  
 18 municipal or special election.

19       (2) The department shall not impose a fee or charge for the issuance of any renewal  
 20 of an original photographic voter identification card or for the issuance of a duplicate of a  
 21 photographic voter identification card provided for in this section.

22       (3) The photographic voter identification card provided for in this section shall contain  
 23 identifying information and a photograph similar to that which is provided for in section  
 24 49-2444, Idaho Code, and shall also include and provide all information described in section  
 25 34-1106(1), Idaho Code.

26       (4) The department is authorized to promulgate rules and to adopt all forms necessary to  
 27 implement the provisions of this section.

28       SECTION 9. The provisions of this act are hereby declared to be severable and if any  
 29 provision of this act or the application of such provision to any person or circumstance is  
 30 declared invalid for any reason, such declaration shall not affect the validity of the remaining  
 31 portions of this act.